HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITON NO. 793 (MS) OF 2006

1. Smt. Anjali Rastaugi, W/o Sri Anand Swaroop Rastaugi, R/o Mohalla Ganj, P.S. & Tehsil Kashipur, District-Udham Singh Nagar.
2. Km. Rajnee, D/o Sri Vijay Kumar Singh, W/o Praveen Singh, R/o Railway Colony Kashipur, District-Udham Singh Nagar.
3. Sanjay Kumar Sharma, S/o Sri Hari Ram Sharma, R/o Bank Colony Behind Sushila Hotel Kashipur, District-Udham Singh Nagar.
4. Prem Singh, S/o Sri Laxman Singh, R/o Shiv Nagar (Jaingar), Sultanpur, P.S. & Tehsil Bajpur, District-Udham Singh Nagar.
5. Surendra Singh, S/o Sri Pyara Singh, R/o Village Patrampur, Tehsil & District Jaspur, District Udham Singh Nagar. .....Petitioners.

Versus

1. State of Uttaranchal, through its Director, Madhyamik Education, Uttaranchal, Dehradun.
2. Basic Shiksha Adhikari, District Udham Singh Nagar/Additional Education Officer (Basic), District Udham Singh Nagar.
3. Principal, District Educational Training Institute, Bhimtal, District Nainital.
4. Director, N.C.T.E., C-2/10 Safdarjang Development Area, Shari Arvindo Marg, New Delhi. .....Respondents.

Dated: 10.7.2006

Hon'ble Rajesh Tandon, J.

Heard Sri G.C. Lakhchaura, Advocate for the petitioners and Standing Counsel for the respondents no. 1 to 3 and Sri Sudhir Singh, Advocate for the respondent no.4.

2. By the present writ petitions, the petitioners have prayed for a writ of mandamus directing the respondents to treat the qualification of Shiksha Visharad from Hindi Sahitya Sammelan as equivalent to B.Ed. Hindi and consider the candidature of the petitioner for appointment in the Special B.T.C.

3. Briefly stated, according to the case of the petitioner, after passing graduation/post graduation, they obtained Shiksha Visharad from Hindi Sahitya Sammellan Allahabad in different years after 1995 as will appear from the copy of the mark-sheet. National Council for Teachers Education, 1993 was enforced from after 1st July, 1995. The degree of Hindi Sahitya Sammellan as a 'Shiksha Visharad' having been obtained after 1st July, 1995, when the National Council for Teachers Education Act, 1993 was in operation cannot be recognized.

4. Petitioners are resident of the same district for which they have applied, which is one of the essential qualifications in accordance with the advertisement issued for the appointment in the Special B.T.C.

5. Present writ petition is squarely covered by the judgment dated 03.07.2006 passed in Writ Petition No. 622 (ss) of 2005, where following direction has been given:-

> *"26. The eligibility of the institution to grant the degree of Shiksha Visharad depends on the National Council for Teacher Education as*

contained in ***N.C.T.E. Vs. Committee of Management 2006 AIR SCW 1333.***

27. Sri Sudhir Singh, Advocate for the National Council for Teacher Education has orally submitted that NCTE has been established under an Act of Parliament on August, 17th 1995 and has become empowered to recognize teacher education institutions from the session 1996-97 and therefore, the candidates, who have been awarded degree diploma certificate etc. prior to this date by Universities / State Govt. may be got verified from the concerned university/ State Govt. or association of Indian University.

28. In view of the above, the petitioners having obtained the degree of Shiksha Visharad after the year, 1995 are not entitled for any relief unless the institution itself is recognized by the National Council for Teacher Education and the same is verified from the concerned University/ State Govt. or by the appropriate authority as the case may be.

29. Subject to above observations with regard to recognition and verification, writ petitions are disposed of. No order as to costs."

6. However, present writ petition is disposed of in terms of the judgment dated 03.07.2006 passed in writ petition No. 622 (ss) of 2005.

7. No order as to costs.

(Rajesh Tandon, J.)

10.07.2006

Rathour